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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,721	01/14/2002	Paul Clifford Reid	4059/12	1575

7590 08/13/2004

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EXAMINER

COTTINGHAM, JOHN R

ART UNIT PAPER NUMBER

3679

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,721

Applicant(s)

REID, PAUL CLIFFORD

Examiner

John R. Cottingham

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 21, 23-32, 50, 53- 53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 52 is/are allowed.
- 6) ☒ Claim(s) 18,21,23-32,50 and 53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 18, 21, 23-32, 50, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson U.S. Patent 4,949,502. Anderson shows all of the claimed subject matter of a fence support in Figures 1-8.

Regarding claim 18, a fence support comprising a sleeve 50 for fitting over a support member, said sleeve 50 comprising at least one web 52c, said web 52c comprising at least one incision (space between legs 52c) to support lengths of material, said sleeve further comprising three internal equidistant projections 66c for frictional connecting of said sleeve 50 and said support member.

Regarding claim 21, said support member comprises a rod. (Applicant is reminded that the support member is not positively claimed, and this claim does not further limit the parent claim.)

Regarding claim 23, the projections are deformable. (they are made of plastic which inherently deformable)

Regarding claim 24, the sleeve 50 is substantially composed of extruded material. (This is a product by process claim and is not given patentable weight to the process of extruding).

Regarding claim 25, the sleeve is substantially composed of molded material. (This is a product by process claim and is not given patentable weight to the process of molding).

Regarding claim 26, a cap (bowl portion 54) covering said sleeve and said support member.

Regarding claim 27, the cap is waterproof.

Regarding claim 28, the cap is lockable (through means 56).

Regarding claim 29, a fence support comprising a sleeve 50 for fitting over a support member, said sleeve comprising at least two webs 52c, said webs each comprising at least one supporting means 60 for supporting lengths of material, said sleeve further comprising three equidistant projections 66c for frictional connecting of said sleeve and said support member.

Regarding claim 30, the supporting means each comprise a slot 60.

Regarding claim 31, the slots are disposed at opposing angles relative to each other.

Regarding claim 32, the sleeve further comprises means for receiving a promotional display 56.

Regarding claim 50, the sleeve for fitting over said support member is composed of an insulating material (plastic, see cross hatching).

Regarding claim 53, the sleeve is sufficiently long for fitting over substantially the entire exposed surface of the support member.

Allowable Subject Matter

3. Claim 52 is allowed.

Response to Arguments

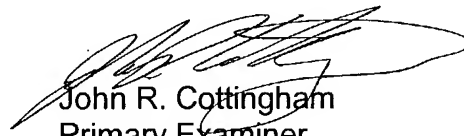
4. Applicant's arguments with respect to claims 18, 21, 23-32, 50, and 53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Cottingham whose telephone number is (703) 306-3439. The examiner can normally be reached on Monday - Thursday, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John R. Cottingham
Primary Examiner
Art Unit 3679

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